

Tuesday, October 01, 2013

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM.

PRESENT: Supervisors: Frank R. Mecham, Adam Hill, Debbie Arnold and Acting Chairperson Bruce S. Gibson

ABSENT: None

THE PLEDGE OF ALLEGIANCE IS LED BY ACTING CHAIRPERSON BRUCE S. GIBSON.

Acting Chairperson Gibson: states there will not be Closed Session today.

Consent Agenda – Review and Approval:

1-11. This is the time set for consideration of the Consent Agenda.

Acting Chairperson Gibson: opens the floor to public comment without response.

The action taken for Consent Agenda items 1 through 11 on the following vote is indicated for each item.

Motion by: Adam Hill
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Consent Agenda - Auditor - Controller Items:

1. Consideration of a financial review of the 2012 concession contract with the Lopez Lake Marina Concessionaire.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Board of Supervisors Items:

2. Request to appoint Myron H. "Skip" Amerine as a District 3 representative to the Bicycle Advisory Committee.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Health Agency Items:

3. Request to approve: (1) a three year agreement (Clerk's File) with the Food Bank Coalition of San Luis Obispo County from October 1, 2013 through September 30, 2016 in an amount not to exceed \$258,438 to educate low income families on healthy eating and proper exercise; and (2) a budget adjustment in the amount of \$30,000 from unanticipated revenue for FC 160 - Public Health.

This item is amended by replacing the transmittal and staff report to state the term of the agreement with the Food Bank Coalition is for one (1) year, from October 1, 2013 through September 30, 2014, in an amount not to exceed \$86,146, with the authority for the Health Agency Director to renew up to two additional years. Furthermore, the Board approves as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda - Human Resources Items:

4. Request to approve contracts with outside counsel firms, Coates and Coates, LLP, Smith Law Offices, APC and Porter Scott, to provide litigation support services to the County from February 1, 2013 through January 31, 2016.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Planning & Building Items:

5. Request to authorize service of a partial notice of nonrenewal of a land conservation contract for the Landau Corporation pursuant to the California Land Conservation Act of 1965. District 4.

The Board approves as recommended by the County Administrative Officer.

6. Submittal of a resolution to approve an Avigation Easement from Thomas M. Maino, Joanna M. Witcher, and Michaeline C. Maino, Trustee of the Survivor's Trust created under M.M. Maino Family Trust dated October 1, 1990, for the San Luis Obispo County Regional Airport. District 3.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-237, adopted.

7. Request to approve five year contracts (Clerk's File) for "on-call" environmental and planning consultant services with: 1) Aspen Environmental Group, Inc., 2) Padre Associates, Inc., 3) Rincon Consultants, Inc., and 4) SWCA, Inc. in an amount not to exceed \$200,000 per year over the five year term.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Public Works Items:

8. Submittal of a resolution to approve Amendment No. 4 to the Development Traffic Fee Agreement with Woodlands Ventures, LLC, dated April 25, 2006, for accelerated payment of South County Road Improvement Area 1 and 2 Fees for the Woodlands Development Project in Nipomo. District 4.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-238, adopted.

9. Request to approve Amendment No. 1 to the agreement for engineering consulting services with Quincy Engineering for Lopez Drive Bridge No. 2 Seismic Retrofit, Arroyo Grande, increasing the contract amount by \$452,719. District 4.

The Board approves as recommended by the County Administrative Officer.

10. Submittal of a resolution declaring certain County real property interests in the Willow Road Interchange as surplus property and authorizing conveyance to adjoining owner, Nipomo. District 4.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-239, adopted.

Consent Agenda - Veterans Services Items:

11. Request to approve Medi-Cal cost avoidance, County Subvention agreements and a special certificate of compliance for one-time subvention funding with the California Department of Veterans Affairs (CDVA) and authorize a budget adjustment in the amount of \$50,870.

The Board approves as recommended by the County Administrative Officer.

Public Comment Period:

12. This is the time set for members of the public wishing to address the Board on matters that are not scheduled on the agenda.

Mr. Tom Dawson; Ms. Elsa Dawson; Ms. Terri Stricklin; and Mr. Bill Pelfrey: discuss various concerns regarding International Council for Local Environmental Initiatives (ICLEI); the Resilient Communities for America meetings and agreement.

Mr. Dane Senser: speaks to a recent Tribune article regarding panga boats found in San Luis Obispo and Santa Barbara Counties; the money allocated for a 20 mile section of bike lanes; and comments on how public comment speakers are treated.

Mr. Muril Clift; Ms. Julie Tacker; Mr. Ben DiFatta; Mr. Richard Margetson; and Ms. Linde Owen (photographs): address various concerns relating to the community of Los Osos and the Los Osos Wastewater Project (LOWWP).

Dr. C. Hite: comments on Board meeting proceedings.

Mr. Mike Brown - Coalition of Labor, Agriculture and Business (COLAB): discusses his concerns regarding the structure of today's agenda, specifically Item No. 14.

Mr. Eric Greening; Ms. Sherry Lewis (brochure); Mr. Klaus Schumann; and Mr. Fred Frank: speak to the upcoming Nuclear Regulatory Commission (NRC) meeting concerning spent fuel at Diablo Canyon Power Plant. Additionally, Mr. Greening: comments on Arts month and announces an introductory art showing will be held this Friday at 6:00 PM in San Luis Obispo.

Ms. Rachelle Toti: presents and discusses a letter concerning air pollution on the Nipomo Mesa.

Mr. William Frost: addresses the difficulty obtaining information from the August 27, 2013 meeting pertaining to the Paso Robles Groundwater Basin.

Supervisor Hill: states he will be submitting a letter to NRC regarding the issues of spent fuel at the Diablo Canyon Power Plant since the Board hasn't had the opportunity to agendize this matter. **No action taken.**

Board Business - Public Works - Board Sitting as Flood Control District

13. Receive a Paso Robles Groundwater Basin Management Plan Implementation Update. Districts 1 and 5.

Mr. Larry Werner - Blue Ribbon Committee Chairperson: presents and discusses a handout of their recommendations.

Acting Chairperson Gibson: opens the floor to public comment.

Ms. Ellen Frost; Mr. Gary Kirkland; Mr. Eric Greening; Ms. Jan Seals – PRO Water Equity Treasurer; Ms. Joy Fitzhugh – Farm Bureau; Ms. Susan Harvey – North County Watch; Mr. Mike Winn; Mr. Randy Record; Mr. Dane Senser; Mr. Edward Veek; Mr. Jerry Reaugh – Paso Robles Agricultural Alliance for Groundwater Solutions (PRAAGS) Chairperson; Ms. Kris Beal - Central Coast Vineyard Team (letter); Ms. Shirley Bianchi; Ms. Sue Luft – PRO Water Equity President; Mr. Mike Brown – Coalition of Labor, Agriculture, and Business (COLAB); Ms. Sheila Lyons – Creston Advisory Body President (letter); Ms. Jeannette Watson; Mr. Tom Dawson; Mr. Bill Pelfrey; and Ms. Della Barrett: speak.

Board Members: discuss direction to staff; the Notice of Intention to circulate a petition with LAFCO to create a California Water District and the potential for a Proposition 218 election, with Mr. Tim McNulty – Assistant County Counsel and Mr. David Church – Local Agency Formation Commission (LAFCO) Executive Officer responding.

Mr. Paavo Ogren – Public Works Director: re-states the direction as he understands it.

The Board, acting as the San Luis Obispo County Flood Control and Water Conservation District (Flood Control District) receives the Paso Robles Groundwater Basin Management Plan implementation update and directs staff to address how to develop a more robust AB 3030 plan and provide public outreach; explore the formation of quasi, fully independent and off the shelf districts; coordinate efforts with David Church from LAFCO on the on-going activities to establishing a California Water District; and continue moving forward with supplemental water efforts.

Hearings:

14. (1) Discussion of options for implementation of the Urgency Ordinance relative to the development of an Approved County Water Conservation Program; (2) Consideration of a resolution providing direction to staff regarding vested rights determinations described in Ordinance No. 3246; (3) Consider directing staff to explore possible amendments to the General Plan, Title 22 of the County Code, and Title 8 of the County Code to address water demand within the Paso Robles Groundwater Basin; and (4) Hearing to consider the extension of urgency Ordinance No. 3246 pursuant to Sections 25123, 25131 and 65858 of the California Government Code for a period of up to 22 months and 15 days. Districts 1 and 5.

Acting Chairperson Gibson: opens the floor to public comment.

Ms. Joy Fitzhugh – Farm Bureau; Mr. Tom Dawson; Ms. Beth McCown; Ms. Jan Seals – PRO Water Equity Treasurer; Mr. Eric Greening; Mr. Matt Turrentine; Ms. Claire Wineman - Grower Shipper Association of Santa Barbara and San Luis Obispo Counties; Mr. David Parrish – Parrish Family Vineyards; Ms. Jan Bewley; Ms. Patricia Wilmore – Paso Robles Wine Country Alliance Government Affairs Coordinator; Ms. Kathleen Lambeth; Mr. Peter Sickinger; Mr. Larry Werner – Blue Ribbon Committee President; Ms. Jamie Kirk; Mr. Steve Adamski – Huero Huero Project Representative; Ms. Sheila Lyons (letter); Mr. Jerry Reaugh – Paso Robles Agricultural Alliance for Groundwater Solutions (PRAAGS) Chairperson; Mr. Lowell Zelinski; Ms. Daniella Sapriel (photographs); Ms. Kathy Sweet (letter); Mr. Bill Pelfrey; Ms. Susan Harvey – North County Watch; Mr. Dana Merrill; Ms. Elsa Dawson; Ms. Tina Dickason; Ms. Della Barrett; Mr. Keith Gurnee (handout); Ms. Jennifer Soni (letter); Mr. Steve Lohr – J. Lohr Vineyards; Mr. Jerry Lohr - J. Lohr Vineyards; Mr. Terri Strickin; Mr. Chris Ivey; Ms. Sue Luft – PRO Water Equity President; Mr. Mike Brown – Coalition of Labor, Agriculture, and Business (COLAB); Mr. Robert Brown - San Antonio Winery; Ms. Elaine Hagen; Mr. Joe Plummer; and Ms. Courtney Taylor – Duggan, Smith, and Heath representative: speak.

On motion of Supervisor Frank R. Mecham, seconded by Supervisor Adam Hill, the Board unanimously agrees to continue the meeting past 5:00 P.M.

The Board directs staff to move forward with the development of a residential conservation and bank program; and engage a consultant on the development of an agricultural offset program.

Motion by: Frank S. Mecham

Second by: Debbie Arnold

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Board Members: discuss issues regarding determination of vesting rights; and direction to staff.

Supervisor Arnold: states she is prepared to extend the ordinance but not without the changing the definition of vesting back to staff's original language.

A motion by Supervisor Arnold, to accept staff’s original language to define vesting as follows; "Where evidence that can be provided that financing or other written contractual commitments were entered into prior to the effective date of this ordinance for site preparation, planting or sale of product," motion fails for a lack of a second.

The Board continues the determination of a vesting right to mid-November for the opportunity to

conduct outreach to stakeholders and gather more input.

Motion by: Frank S. Mecham
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)		x		

The Board directs staff to explore possible amendments to the General Plan, the Land Use Ordinance (Title 22 of the County Code), and Title 8 of the County Code that would provide for permanent approaches to address water demand in the Basin. Further, staff is directed to explore comparable ordinances from other counties that are addressing similar issues; and identify areas of the basin that do not have the ability to irrigate crops for a potential new general plan designation.

Motion by: Frank R. Mecham
Second by: Debbie Arnold

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

A motion by, Supervisor Frank R. Mecham, seconded by Supervisor Adam Hill, to extend the urgency ordinance for a period of 22 months and 15 days, is discussed.

Board Members: discuss vesting right determinations; and next steps if this ordinance doesn’t pass today, with Mr. Tim McNulty - Assistant County Counsel responding.

Supervisor Arnold: outlines why she will not support the extension of the ordinance.

Motion to extend the urgency ordinance for a period of 22 months and 15 days, fails.

Motion by: Frank R. Mecham
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)		x		

The Board continues the extension of the urgency ordinance to Tuesday, October 8, 2013 and sets a special meeting on Friday, October 11, 2013 at 9:00 AM in the event that a 4/5th vote is not made on Tuesday, October 8, 2013.

Motion by: Adam Hill
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Closed Session Items:

15.
- I. PENDING LITIGATION (Government Code, section 54956.9.) It is the intention of the Board to meet

in closed session concerning the following items:

- A. Conference with Legal Counsel-Existing Litigation (Government Code, section 54956.9(a).) (Formally initiated) 1. In re Los Osos Community Services District (Bankruptcy.
 - B. Conference with Legal Counsel-Anticipated Litigation (Government Code, section 54956.9.) 2. Significant exposure to litigation (Government Code, section 54956.9(b).) No. of cases 2. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation.
- II. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code section 54957.6.) It is the intention of the Board to meet in closed session to have a conference with its Labor Negotiator Tami Douglas-Schatz concerning the following: Name of employee organizations are: 3. SLOCEA-Public Services, Supervisors, Clerical; 4. Deputy Sheriff’s Association; 5. DAIA; 6. DCCA; 7. SLOGAU; 8. Sheriffs’ Management; 9. SLOCPPOA.

Acting Chairperson Gibson: states there will not be closed session today.

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, October 01, 2013, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

JULIE L RODEWALD, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Annette Ramirez, Deputy Clerk-Recorder

DATED: October 10, 2013